REMARKS

The non-final Office Action dated May 21, 2009 indicated the following new grounds of rejection: claims 1-20 stand rejected under 35 U.S.C. § 103(a) over Seefeldt (U.S. Patent No. 4,978,633) in view of at least one of Hirakimoto (U.S. Patent Pub. 2004/0031007 and Nassif (U.S. Patent Pub. 2004/0073881); and claims 1-20 stand rejected under 35 U.S.C. § 102(e) over Pryor (U.S. Patent No. 4,612,618) in view of at least one of Hirakimoto and Nassif. Claims 1 and 14 are objected to. Applicant traverses all rejections, and further does not acquiesce to any averments made in the Office Action, unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 103(a) rejections because the cited combinations of references lack correspondence to the claimed invention. For example, none of the asserted references teaches the claimed invention "as a whole" (§ 103(a)) including, *e.g.,* that the combined distance of the lengths of the conductors between the circuit element and the power and ground pads is the same for each of the circuit elements. Because none of the references teach these aspects, no reasonable combination of these references can provide correspondence to the claimed invention. As such, the § 103 rejections fail. The following discussion particularly addresses the impropriety of each of the rejections.

Regarding the § 103 rejection based on the '633 reference, the '633 reference does not teach that the combined distance of the lengths of power supply buses 73 and 77 (*i.e.,* the asserted power and ground buses) between cells 61-65 (*i.e.,* the asserted circuit elements) and pads 71 and 75 (*i.e.,* the asserted power and ground pads) is the same for each of the cells 61-65. *See, e.g.,* Figure 3. The rejection appears to be based solely on the Office Action's unsupported conclusion that the combined distances between each of the cells 61-65 and the pads 71 and 75 are equal "due to complementary factor" that is allegedly shown in Figure 3. The discussion of Figure 3 in the '633 reference, however, does not state that the combined distances between each of the cells 61-65 and the pads 71 and 75 are equal. *See, e.g.,* Col. 4:20 to Col. 5:23. The '633 reference also does not make any mention of the "complementary factor" discussed by the Office Action. Thus, there is no express correspondence to the claimed invention and the rejection appears to rely upon a theory of inherency based on Figure 3. However, such a rejection would be

improperly based on mere possibilities in violation of the M.P.E.P. and relevant law. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter *is necessarily present in the thing described in the reference*, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991) (emphasis added). "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *See, also* M.P.E.P. § 2112. Applicant respectfully submits that it is impossible to determine whether the combined distances between each of the cells 61-65 and the pads 71 and 75 are equal based solely on Figure 3 because the '633 reference does not state that Figure 3 is drawn to scale and because Figure 3 does not provide any detail regarding exactly where/how the power tracks 81-84 (which connect to buses 73 and 77) are connected to the cells 61-65. As such, the rejection is improperly based on the Examiner's unsupported assertions regarding the alleged teachings of '633 reference and the mere possibility that the combined distances between each of the cells 61-65 and the pads 71 and 75 could be equal. Applicant submits that the '007 and '881 references do not address the above discussed deficiencies of the '633 reference. Accordingly, the § 103 rejection based on the '633 reference is improper and Applicant requests that it be withdrawn.

Regarding the § 103 rejection based on the '618 reference, the '618 reference does not teach that the combined distance of the lengths of power supply buses 122 and 124 (*i.e.,* the asserted power and ground buses) between cells 10 (*i.e.,* the asserted circuit elements) and pads 122P and 124P (*i.e.,* the asserted power and ground pads) is the same for each of the cells 10. *See, e.g.,* Figure 3. As with the rejection based on the '633 reference discussed above, this rejection also appears to be based solely on the Office Action's unsupported conclusion that the combined distances between each of the cells 10 and the pads 122P and 124P are equal "due to complementary factor" that is allegedly shown in Figure 3. The discussion of Figure 3 in the '618 reference, however, does not state that the combined distances between each of the cells 10 and the pads 122P and 124P are equal. *See, e.g.,* Col. 4:33 to Col. 5:14. The '618 reference also does not make any mention of the "complementary factor" discussed by the Office Action. Thus, there is no express correspondence to the claimed invention and the rejection appears to rely

upon a theory of inherency based on Figure 3. However, such a rejection would also be improperly based on mere possibilities in violation of the M.P.E.P. and relevant law, as with the rejection based on the '633 reference discussed above. Applicant respectfully submits that it is impossible to determine whether the combined distances between each of the cells 10 and the pads 122P and 124P are equal based solely on Figure 3 because the '618 reference does not state that Figure 3 is drawn to scale and because Figure 3 does not provide any detail regarding exactly where/how the power buses 22 and 24 (which connect to buses 122 and 124) are connected to the cells 10. As such, the rejection is improperly based on the Examiner's unsupported assertions regarding the alleged teachings of '618 reference and the mere possibility that the combined distances between each of the cells 10 and the pads 122P and 124P could be equal. Applicant submits that the '007 and '881 references do not address the above discussed deficiencies of the '618 reference. Accordingly, the § 103 rejection based on the '618 reference is improper and Applicant requests that it be withdrawn.

Regarding the objection to claims 1 and 14, Applicant respectfully requests clarification. The Office Action states the "a combine distance" is unclear; however, claims 1 and 14 do not recite "a combine distance." Applicant notes that the "combined distance" of claim 1 refers to the combined length of the power and ground buses between each of the circuit elements and the power and ground pads as is discussed, for example, in paragraph 0023 of Applicant's specification.

Applicant believes that each of the rejections and objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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